

Adopted: February 9, 1999

ACADEMIC SENATE  
Of  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, CA

AS-513-99IDRC  
RESOLUTION ON *POLICY AND PROCEDURES*  
*FOR RESOLVING UNIVERSITY S04/ADA ACCOMMODATION DISPUTES*

- WHEREAS, Cal Poly, and its Academic Senate, have stated commitments supporting campus diversity--which includes persons with disabilities--in its *University Strategic Plan* (revised January 26, 1996), and several Academic Senate resolutions on diversity (most recently AS-505-98/DTF "Resolution on the Academic Value of Diversity" and AS-506-98/DTF "Resolution on *The Cal Poly Statement on Diversity*"); and
- WHEREAS, Cal Poly has publicly stated its commitment in official publications (e.g., catalog, job announcements, etc.) to compliance with Section 504 of the Federal Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA); and
- WHEREAS, Federal law (34 C.F.R., Section 104.7; 28 c.p.R., Section 35.107) requires that the University adopt and publish a grievance procedure; and
- WHEREAS, The existing Student Grievance Procedure was written over 10 years ago, prior to the signing of the ADA, and does not adequately address the current needs of the campus; therefore, be it
- RESOLVED: That the Academic Senate at Cal Poly accept and endorse the attached *Policy and Procedures for the Resolution of S04/ADA Accommodation Disputes*.

Proposed by: Cal Poly Disability Resource Center and  
Ombud Services and Educational Equity Programs  
Date: January 5, 1999  
Revised: January 19, 1999

## ***POLICY AND PROCEDURES FOR RESOLVING UNIVERSITY 504/ADA ACCOMMODATION DISPUTES***

### **Introduction**

It is the policy of California Polytechnic State University that "otherwise qualified" students who have disabilities shall have access to academic adjustments and auxiliary aids necessary to accommodate functional limitations (resulting from verified disabilities) impairing one or more major life activities. Accommodations are generally determined on an individual basis. Students must verify their disability through the campus Disability Resource Center (DRC) and are encouraged to identify their needs as early as possible.

This document describes the remedies available to students, staff, and faculty in the event that there is a dispute regarding the appropriateness of a particular student accommodation. Every effort will be made to resolve the dispute as expeditiously as possible. During the time that the accommodation is under review, the DRC recommendation for accommodation will remain in effect.

The following procedures have been developed in response to Section 504 of the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act, State of California ACR 201 (1976), ACR 3 (1985), AB 746 (1987), and the "Policy for the Provision of Services to Students with Disabilities," coded memorandum AAES 89-07, The California State University system.

### **Informal Resolution Procedures**

Students, faculty, or staff should attempt to resolve disputes informally with either the party alleged to have committed the violation, and/or with the head of the department or unit in which the alleged violation occurred. There is no requirement that a complainant utilize these informal procedures before filing a formal complaint. Experience has shown that the majority of complaints can be effectively resolved through the informal process. In the interest of efficiency all complainants are encouraged to resolve disputes via these informal processes when possible. The Office of Campus Student Relations and Judicial Affairs and the Disability Resource Center are available to provide advisory, mediation, and conciliation services to students raising such complaints.

### **Formal Resolution**

To initiate the formal resolution process, a written complaint must be filed with the Office of Campus Student Relations and Judicial Affairs (CSRJA) within thirty (30) calendar days of the time the complainant could reasonably be expected to have had knowledge of the injury allegedly caused by the discriminatory action. The Director of CSRJA will refer the complaint to the appropriate campus vice president (Provost/Vice President for Academic Affairs, Vice President for Student Affairs, Vice President for Administration and Finance, or Vice President for Advancement). Complaints must include the following information:

- (a) the complainant's name, address, and phone number;

- (b) the specific act(s) or circumstance(s) alleged to constitute the discriminatory actions that are the basis of the complaint, including the time and place of the alleged discriminatory action; and
- (c) the remedy requested.

### **Formal Complaint Resolution Procedures**

1. The Director of CSRJA will direct the complaint to the appropriate campus vice president (Provost/Vice President for Academic Affairs, Vice President for Student Affairs, Vice President for Administration and Finance, or Vice President for Advancement). The vice president, or her/his designee, will, within five (5) working days, evaluate the complaint and send the complaint to the appropriate department chair, department head, or director for resolution.
2. If the department chair, department head, or director is unable to resolve the dispute within five (5) working days, it will be referred to the Accommodation Review Board (ARB) by the vice president/designee.
3. The ARB will review the complaint to decide if the complaint appears to have merit. If the ARB decides the complaint has merit, a hearing will be scheduled. The ARB findings and recommendations will be forwarded to the appropriate vice president/designee within fifteen (15) working days of receiving the case for review.
4. The vice president/designee will issue an implementation letter within ten (10) working days of receipt of the ARB recommendation. The vice president/designee has the authority to accept, reject, or modify the recommendations of the ARB. The vice president/designee's decision is final and ends the formal University 504/ADA Accommodation Disputes resolution process.

### **Accommodation Review Board**

Members of the Accommodation Review Board are appointed by the Provost/Vice President for Academic Affairs for two year terms. Terms shall be staggered to ensure continuity. Membership shall include:

- (a) two (2) faculty members (nominated by the Academic Senate);
- (b) one (1) associate dean (nominated by the Provost/Vice President for Academic Affairs);
- (c) one student member with no less than junior standing and three consecutive quarters of attendance at Cal Poly preceding the appointment (nominated by the current ASI President for a one year term);
- (d) one Student Affairs director (nominated by the Vice President for Student Affairs);
- (e) the Vice Provost for Academic Programs and Undergraduate Education.

The following are designated as ex officio nonvoting members:

- a. the Coordinator of Campus Student Relations and Judicial Affairs or designee;
- b. the Director of the Disability Resource Center or designee, and
- c. the University *ADN504* Compliance Officer.

The Vice Provost for Academic Programs and Undergraduate Education shall serve as the chairperson of the ARB.

### **Hearing Procedures**

1. The chairperson of the ARB upon receipt of the complaint will schedule a meeting of the ARB. A quorum shall consist of four (4) voting members, one (1) of whom must be a faculty representative.
2. In order to avoid potential conflicts of interest, Board members may excuse themselves if they have a significant direct involvement in the dispute. They will be replaced temporarily by a designee selected by the nominating authority of the excused member.
3. The ARB will allow each principal party, who may be accompanied by an advisor, to present her/his case personally, call and question witnesses and present exhibits. The Board may request copies of any materials it believes are relevant to the hearing. If the complainant or her/his advisor is an attorney, the ARB chairperson must be notified in writing of that fact prior to the scheduling of the hearing. In such cases, the University will be represented by the University Legal Counsel.
4. Each Board member may ask questions of either party or any witnesses.
5. The Board itself may call witnesses or recall witnesses.
6. The Board will keep a summary file of each case and will tape record the hearing.
7. The Board will close the hearing when it is satisfied that both sides have been heard.
8. The Board will deliberate in private.
9. Decisions will be reached by simple majority vote with the Vice Provost for Academic Programs and Undergraduate Education voting only when needed to break a tie.
10. The chairperson of the Board will send a copy of its recommendation to the appropriate vice president/designee.
11. Should any Board member wish to file a minority recommendation, it will be attached to the Board's majority recommendation.

Training for the Board will be provided annually by the University's *ADN504* Compliance Officer and the Office of the Disability Resource Center.

my  
SB  
mt

RECEIVED

MAY 17 1999

CAL POLY

State of California

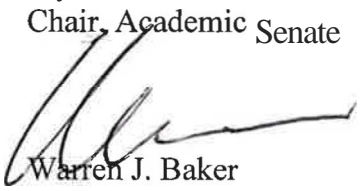
**Memorandum**

Academic Senate

SAN LUIS OBISPO  
CA 93407

To: Myron Hood  
Chair, Academic Senate

Date: May 13, 1999

From:   
Warren J. Baker  
President

Copies: Paul Zingg  
Juan Gonzalez  
David Conn  
William Bailey  
Sean Banks

Subject: AS-513-99/DRC-Resolution on Policy and Procedures for Resolving University  
504/ADA Accommodation Disputes

---

Based upon the recommendations of the Provost's staff, the University's Ombud Services and Educational Equity Programs Director, and the Disability Resource Center Director; I am pleased to approve the above-entitled resolution of the Academic Senate. This resolution approves the establishment of the policies and procedures for resolving University 504/ADA accommodation disputes. By copy of this memorandum, I am requesting that Provost Zingg initiate the process to establish the Accommodation Review Board in accordance with these policies and procedures.

I very much appreciate the work of the Academic Senate in their support of this effort.